

## REMARKS

### Amendments to the Claims

Claims 1, 6 and 13 have been amended for clarification. Support for the amendments is found in paragraphs [0012], [0029]-[0035], [0040], FIGS. 1-2 and generally throughout the specification. No new matter has been added.

### 35 U.S.C. § 101

Claims 1-13 are rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Specifically, the Office asserts that the claims are directed toward software per se. Applicant traverses this rejection as applied to the amended claims.

Claims 1, 6 and 13 have been amended to recite "a computer readable **storage** medium containing **executable** program code." (emphasis added.) A computer readable storage medium constitutes patentable subject matter. The MPEP recognizes the statutory nature of such claims at § 2106.01, where it states, "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the description material to be realized." Accordingly, Applicant respectfully submits that the amended claims are directed to statutory subject matter and requests that the § 101 rejection be withdrawn.

35 U.S.C. § 103(a)

Claims 1, 2, 4-6 and 11-13

Claims 1, 2, 4-6 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0050681 ("Keys") in view of U.S. Patent No. 6,549,944 ("Weinberg").

Keys does not disclose or suggest "at least one agent operatively associated with the messaging and collaboration system for dynamically generating (25) executable web scripts independently of the existing client database and from access to the template and the user information database in response to a user request" as recited in claims 1, 6 and 13.

The Office, citing to Weinberg at Col. 3, ll. 5-15, Col. 23, ll. 15-33, contends that "Weinberg teaches at least one agent operatively associated with the messaging and collaboration system for generating (25) web scripts independently of the existing client database and from access to the template and the user information database in response to a user request." Office Action at p. 3. Applicant respectfully disagrees with the Office's assertion.

Weinberg discloses a process of using scripts to gather information from set locations with previously defined fields to create a web site map. (Weinberg at Abstract.) This includes from server log files (Weinberg at Col. 3, ll. 7-17) and from user input into set fields (Weinberg at Col. 23, ll. 15-33; *see also id.* at Col. 24, ll. 1-3). Weinberg's system appears to be designed to operate in a defined singular manner, i.e., to generate a map of a website.

In addition, Weinberg's "web script" does not appear to be an executable script. *See* Weinberg at Col. 2, ll. 20-24 ("The Vuser sends the client requests to the site according to a pre-defined test script (also referred to as a "Vuser script" or "Web Script"), which is in the general

form of a list of the HTTP (HyperText Transport Protocol) messages to be sent to the site).).

Weinberg discloses at Col. 32, ll. 23-36 (emphasis added):

As described above, LoadRunner and Astra SiteTest Products (hereinafter "LoadRunner" and "SiteTest") use pre-recorded load testing scripts, referred to herein as "Web scripts," to conduct load tests of Web sites. Each Web script consists essentially of a sequence of HTTP messages (stored within a script file), with each message representing a client request to a Web site. *The following is an example of a Web script consisting of three URL request messages:*

*URL("http://www.merc-int.com/forms/edu\_reg.html");*

*URL("http://www.merc-int.com/cgi-bi/index.html");*

*URL("http://www.merc-int.com/cgi-bi/login.pl");*

Form submissions and other types of requests that invoke "back end" Web site components can be included.

Weinberg does not disclose "at least one agent operatively associated with the messaging and collaboration system for dynamically generating (25) executable web scripts independently of the existing client database and from access to the template and the user information database in response to a user request" as recited in claims 1, 6 and 13. Consequently, combining Keys and Weinberg as proposed by the Office does not render all of the features of claims 1, 6, and 13, or the claims dependent thereon, obvious.

Accordingly, the grounds for the obviousness rejection are unsupported by the cited art and Applicant respectfully requests withdrawal of this rejection.

Claims 3, 7 and 10

Claims 3, 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keys in view of Weinberg in view of U.S. Patent Application Publication No. 2006/0240396 ("Foo").

Applicant's application claims priority on its PCT application filed April 16, 2004. Foo published October 26, 2006, causing it not to be prior art. Accordingly, the § 103 rejection should be withdrawn.

Further, if the Office believes that citing Foo is proper, the combination of Keys, Weinberg, and Foo does not disclose or suggest "at least one agent operatively associated with the messaging and collaboration system for dynamically generating (25) executable web scripts independently of the existing client database and from access to the template and the user information database in response to a user request" as recited in claims 1 and 6. Claims 3 and 10 depend directly or indirectly on claim 1, and claim 7 depends on claim 6. Consequently, combining Keys and Weinberg with Foo does not render all of the features of claims 3, 7 and 10 obvious.

Accordingly, the grounds for the obviousness rejection are unsupported by the cited art and Applicant respectfully requests withdrawal of this rejection.

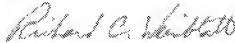
#### Conclusion

Applicant respectfully submits that the claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of a reference, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard C. Weinblatt", is written over a horizontal line.

Richard C. Weinblatt  
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